

MINUTES OF THE SPECIAL MEETING OF THE BOARD OF PUBLIC WORKS, JUNE 16, 1959

The Board of Public Works met in the office of the Governor, State House, Annapolis, Maryland, on Tuesday, June 16, 1959.

There were present:

J. Millard Tawes, Governor
Louis L. Goldstein, Comptroller
Hooper S. Miles, Treasurer.

Also attending the special meeting were:

Mr. James G. Rennie, Director, Department of Budget and Procurement.
Mr. James J. O'Donnell, Director, Department of Public Improvements.
Mr. Russell H. McCain, Executive Assistant to the Governor.
Mr. John R. Jewell, Commissioner, Department of Motor Vehicles.

DEPARTMENT OF MOTOR VEHICLES:

The Board met for the purpose of making a final decision on the site of the location for the Department of Motor Vehicles.

The following persons appeared in regard to this decision:

The Hon. J. Harold Grady, Mayor of Baltimore.
Mr. William Mahoney, Public Relations, Mayor's Office.
Mr. Philip H. Goodman, President, City Council.
Mr. Henry A. Barnes, Commissioner, Transit and Transportation.
Mr. Philip Darling, Director, Baltimore Department of Planning.

In opening the consideration of the question of the proposed site for the location of the Department of Motor Vehicles, the Governor stated that the question had been raised as to the constitutionality of Chapter 28, of the Acts of 1958, relating to this department. Governor Tawes then read an opinion from Attorney General C. Ferdinand Sybert, under date of June 15, 1959, quoted below:

"In your recent letter you ask whether or not Section 11, Article 66½, Annotated Code of Maryland (1957 Ed.), Chapter 28, Acts of 1958, is constitutional. You tell me that you have been advised that Chapter 28 is unconstitutional because the title is misleading.

"Section 29, Article III, Constitution of Maryland, provides that every law enacted by the General Assembly shall embrace but one subject and that shall be described in its title. The Court of Appeals has said that the purpose of the provisions of Section 29, Article III, is to assist the members of the Legislature in finding out the nature of bills and in watching their course intelligently, and also to inform the citizens of the State generally about proposed legislation and to give them an opportunity to appear before the committees of the Legislature concerning the same. Neuenschwander v. Washington Suburban Sanitary Comm., 187 Md. 67; Leonardo v. County Commissioners, 214 Md. 287.

"The general rule to be applied in the construction of Section 29, Article III, is that every presumption favors the constitutionality and validity of a statute, and that any reasonable doubt is enough to sustain it. The courts are ever reluctant to defeat the will of the Legislature by declaring legislation void if by any construction it can possible be maintained. State v. Norris, 70 Md. 91; McGlaughlin v. Warfield, 180 Md. 75; Bell v. Prince George's County, 195 Md. 21; Atkinson v. Sapperstein, 191 Md. 201; Leonardo v. County Commissioners, *supra*.

"The Court of Appeals of this State has consistently held that the purpose of the constitutional provision here invoked is sufficiently complied with if the title of the proposed legislation fairly advises the General Assembly and the public of the real nature and subject matter of the contents of the legislation sought to be accomplished. Leonardo v. County Commissioners, *supra*; Shipley v. State, 201 Md. 96. The title to Chapter 28 reads as follows:

'An Act to repeal and re-enact, with amendments, Section 11 of Article 66½ of the Annotated Code of Maryland (1957 Edition), title 'Motor Vehicles', sub-title 'Administration - Registration - Titling', providing that the office of Commissioner of Motor Vehicles may be maintained in one of the counties of Maryland adjoining and contiguous to the City of Baltimore as well as in the City of Baltimore.'

(cont.)

(Department of Motor Vehicles)

"Chapter 28 itself reads as follows:

'The Commissioner shall maintain an office in the City of Baltimore, or in one of the counties of Maryland adjoining and contiguous to the City of Baltimore. It shall be kept open daily, excepting Saturdays, Sundays and holidays during such hours as the Governor may prescribe.'

"It therefore becomes necessary to determine the meaning of the words 'as well as', contained in the title to the Act. Those words usually and in the ordinary sense mean 'besides' or 'in addition to', and generally words should be given their ordinary meaning in the construction of statutes. Glickfield v. State, 203 Md. 400; Jones v. State, 207 Md. 481. I find that the words 'the office of the Commissioner of Motor Vehicles' contained in the title are in the singular and reading them along with the words 'as well as', that they must be construed to mean 'or', rather than 'in addition to'. The body of the bill and the title containing the same matter, I am of the opinion that the title is not misleading and that Chapter 28, Laws of 1958, is constitutional."

The Governor then summarized all the efforts which had been made to reach the very best possible determination for the location of this new building, and then he asked for a report from the State Comptroller and the Treasurer, who had inspected the Baltimore City properties on June 15, 1959, in accordance with action of the Board at its meeting on June 9, 1959. Those present on the site inspection tour were:

Dr. R. Walter Graham, Baltimore City Comptroller
Mr. Philip H. Goodman, President, Baltimore City Council
Mr. Bernard L. Werner, Division Public Works, Baltimore City
Mr. Henry A. Barnes, Commissioner, Transit and Transportation
Mr. Philip Darling, Director, Baltimore Department of Planning
Mr. William Ewald, Chairman, Baltimore Department of Planning
Mr. William Mahoney, Public Relations, Mayor's Office

Hon. Louis L. Goldstein, State Comptroller
Hon. Hooper S. Miles, State Treasurer
Mr. James J. O'Donnell, Director, Department of Public Improvements
Mr. Andrew Heubeck, Secretary, Board of Public Works
Mr. Frank L. Byron, Department of Public Improvements
Dr. Martin D. Jenkins, President, Morgan State College

Mayor J. Harold Grady and the other Baltimore representatives then appeared before the Board on behalf of Baltimore City. Mayor Grady thanked the Board for its consideration in this matter and the extension of time given before the signing of a contract for any property. He then made a final appeal on behalf of the Baltimore City location for the Department of Motor Vehicles.

After due discussion, Mr. Goldstein made the following motion, which was then seconded by Mr. Miles and adopted:--

"That the State of Maryland acquire the acreage on the North side of Argonne Drive, and running down Hillen Road adjacent to the City Police Station and Turners Armory, to be used for the expansion of Morgan State College, with the City to reserve a portion of the property for the erection of a public school for which they have plans at the present time, and that Morgan State College could then use this school for practice teaching and for the training of teachers."

This was one of the properties investigated on the inspection tour for the Department of Motor Vehicle site. The members of the Board felt that because of the location, this property could better serve Morgan State College.

The Governor then called for a motion on the Department of Motor Vehicle site. Whereupon, Mr. Miles moved that the State purchase the site on the Ritchie Highway near the Baltimore Beltway and Harbor Tunnel entrance, owned by the Plantation Realty Company. This motion was seconded by Mr. Goldstein, and carried.

In connection with his vote on this motion, Mr. Miles submitted the following statement:--

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(Department of Motor Vehicles)

"1. If there is a site in Baltimore City that would contribute in any way to the rehabilitation of downtown Baltimore and be within the funds available for the purchase of a site for the new location of the Department of Motor Vehicles, I would unalterably be in favor of such a site. However, after a search of almost three years no such site has become available and certainly neither of the two sites in Northeast Baltimore now proposed by City officials would contribute anything whatever to improving conditions in downtown Baltimore.

"2. I again re-iterate what I have previously stated. After devoting a year or more in an effort to finding a suitable site in the City, a bill was introduced in the 1958 session of the legislature to amend the law to enable the Department of Motor Vehicles to locate the department either in Baltimore City or any county contiguous to the city. This bill was passed by overwhelming majorities by the legislature and was later signed by the Governor without any public objection by any of the members of the Baltimore City Council, or City officials, or by any of the many civic organizations, the Baltimore City newspapers or any individual City taxpayer.

"Pursuant to this legislation, a committee of prominent eminently qualified citizens of Baltimore City were appointed by Governor McKeldin to consider the matter and to recommend a suitable site either in Baltimore City or any of the contiguous counties. Among the five recommendations of suitable sites (three of which were later eliminated by reason of exorbitant cost factors), the fourth by reason of inability to secure a price from the owners was the one on the Ritchie Highway now under consideration. This site, recommended by the committee, the C. M. V. and the present C. M. V., is a short distance below the southern boundary of the City--about a fifteen-minute ride from the center of downtown Baltimore and about twenty minutes or less from North Baltimore, via either the Patapsco River Tunnel or the new Beltway Highway.

"According to the official opinion of the Attorney General, the Board of Public Works must either approve or disapprove this recommendation.

"In the light of this record and the urgency for correcting the inadequate and inefficient facilities of the Department of Motor Vehicles in its present location, I am voting for approval of the recommendation of the Department of Motor Vehicles for the site on Ritchie Highway."

After further discussion in connection with approval for the purchase of the property of the Plantation Realty Company, it was stated that should the Attorney General rule the site must be twelve acres, or under, that the contract could be amended accordingly.

Mr. Goldstein then recommended that consideration be given to using the present Department of Motor Vehicle Building as a Baltimore office for that department.

Payment for the purchase of this land is to be made from the General Construction Loan of 1958 - Item 5.

MONTEBELLO STATE HOSPITAL:

The Board approved Mr. Rennie's request from the Montebello State Hospital to award to the low bidder, Colson Merriam Company, for household furniture, in the total amount of \$5,459.25 less 1% 20 days, payment to be made from the General Construction Loan of 1952 - Item 23-D - Purchase of Class I and II equipment.

GENERAL EMERGENCY FUND:

The Board approved the allotment of \$7,515.00 from the 1960 fiscal year General Emergency Fund to the budget of the Department of Public Improvements to purchase an accounting machine as approved by the State Comptroller's office and the State Auditor's office.

STATE ROADS COMMISSION:

The Board approved Mr. Rennie's request from the State Roads Commission to add the items listed on the H. Chambers Company submission dated May 14, 1959, to the extent of \$2,861.45, the items for rugs and lamps being deleted from the complete list in the amount of \$1,474.90. It is understood that these additional furnishings are necessary because of the additional commission members and to furnish a reception area.

ADJOURNMENT:

There being no further business, the meeting was adjourned.

Andrew Strickland
Secretary

MINUTES OF MEETING OF THE BOARD OF PUBLIC WORKS, JULY 2, 1959

The Board of Public Works met in the office of the Governor, State House, Annapolis, Maryland, on Thursday, July 2, 1959, at 2:00 P. M. Eastern Daylight Time.

There were present:

J. Millard Tawes, Governor
Louis L. Goldstein, Comptroller
Hooper S. Miles, Treasurer

STATE ROADS COMMISSION:

Upon motion made by Mr. Goldstein, seconded by Mr. Miles, the following resolution was unanimously adopted:

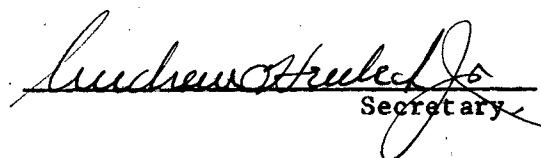
RESOLVED: That in response to the request of the State Roads Commission, through its Chairmen, and based on the draft of an Official Statement submitted therewith, the Board approves the public sale not later than August 11, 1959, by the State Roads Commission of \$1,986,000 State Roads Commission of Maryland County Highway Construction Bonds, Sixth Series, dated August 1, 1959, maturing in annual installments over a period of fifteen years accounting from date of issue and authorized by Section 211 of Article 89B of the Annotated Code of Maryland (1957 Edition) as amended; and

RESOLVED FURTHER: That three certified copies of said Official Statement shall be transmitted to the Secretary of this Board not later than July 14, 1959; and

RESOLVED FURTHER: That the State Treasurer and the State Comptroller are hereby authorized and directed to sign and countersign, respectively, in facsimile, said Bonds and the coupons attached thereto, and to execute, acknowledge and deliver any and all instruments, warrants, receipts and other official documents in connection with the sale and delivery of said Bonds, the receipt and distribution of the proceeds thereof and the Sinking Fund to be established for the payment of the principal of and the interest on said Bonds, all in accordance with Resolution of the State Roads Commission, adopted June 30, 1959, authorizing said Bonds.

ADJOURNMENT:

There being no further business, the meeting was adjourned at 2:15 P. M.


Secretary

